

Please type a plus sign (+) inside this box →



PTO/SB/29 (12/97) (modified)
Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE



CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

ADDRESS TO:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.

311772000321

First Named Inventor

Helena P. SELAWRY

Express Mail Label No.

EL779829317US

Total Pages

14

RECEIVED

JUN 20 2001

TECH CENTER 1600/2900

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA)) of prior application number 08/747,122,

filed on November 8, 1996, entitled METHODS OF TREATING DISEASE USING SERTOLI CELLS AND ALLOGRAFTS OR XENOGRAFTS.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under CFR 37 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☒ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

06/19/2001 EECUBAY1 00000046 031952 08747122

01 FC:131 710.00 CH
02 FC:103 522.00 CH
03 FC:102 560.00 CH
04 FC:104 1090.00 CH

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	49-20 =	29	X \$18.00 =	\$522.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	10-3 =	7	X \$80.00 =	\$560.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$270.00 =	\$0.00
				BASIC FEE (37 CFR 1.16(a))	\$710.00
				Total of above Calculations =	\$1792.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$0
	Petition for Extension of Time (5 months)				\$1890.00
	TOTAL =				\$3682.00

6. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to **Deposit Account No. 03-1952** (reference docket no. 311772000321). Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

8. ☐ A check in the amount of \$_____ is enclosed.

9. ☒ Other: Petition for extension of time (5 months) and return receipt postcard

NOTE:

*The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS

Gladys H. Monroy
Registration No. 32,430

Morrison & Foerster LLP
755 Page Mill Rd.
Palo Alto, California 94304-1018
Telephone: (650) 813-5933
Facsimile: (650) 494-0836

Dated: June 15, 2001

Respectfully submitted,

By: _____

Randolph T. Apple

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL779829317US

Date of Deposit: June 15, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Tamara Venegas



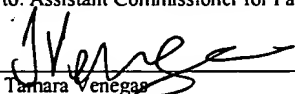
PATENT
Docket No. 31177200032!

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL779829317US

Date of Deposit: June 15, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Tamara Venegas

#23/C
JLP
6/25/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Helena P. SELAWRY and
Don F. CAMERON

Examiner: C. Delacroix-Muirheid

Group Art Unit: 1614

Serial No.: 08/747,122

Filing Date: 08 November 1996

For: METHODS OF TREATING DISEASE
USING SERTOLI CELLS AND
ALLOGRAFTS OR XENOGRAFTS

PRELIMINARY AMENDMENT

Box CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This preliminary amendment accompanies a Continued Prosecution Application (CPA) under 37 C.F.R. 1.53(d).

I. AMENDMENTS

In the Claims:

Please cancel claims 47-49 without prejudice to future prosecution.

Please amend claim 50 by replacing the pending claim with the following:

50. (Amended) A method of treating an autoimmune disease in a mammal wherein said method comprises transplanting into said mammal a therapeutically effective amount of isolated Sertoli cells and pancreatic islet cells to a transplant site in said mammal having said autoimmune disease, wherein said site is other than testes, and wherein said autoimmune disease is Type I diabetes mellitus.